

Article - Business Regulation

[\[Previous\]](#)[\[Next\]](#)

§8—408.

(a) (1) The Commission may join a proceeding on a claim against the Fund with a disciplinary proceeding against a licensed contractor under Subtitle 3 of this title, if the disciplinary hearing is based on the same facts alleged in the claim.

(2) In a consolidated proceeding, the claimant is a party and may participate in the hearing to the extent necessary to establish the claim.

(b) (1) Notwithstanding § 8-402(2) of this subtitle, a claimant may not concurrently submit a claim to recover from the Fund and bring an action in a court of competent jurisdiction against a contractor based on the same facts alleged in the claim.

(2) If the claimant brings an action in a court of competent jurisdiction based on the same facts alleged in a pending claim, the Commission shall stay its proceedings on the claim until there is a final judgment and all rights to appeal are exhausted.

(3) (i) To the extent that a final judgment or final award in arbitration is decided in favor of the claimant, the Commission shall approve the claim against the Fund.

(ii) If a final judgment or final award in arbitration is decided in favor of the defendant, the Commission shall dismiss the claim against the Fund.

[\[Previous\]](#)[\[Next\]](#)